

*United States Attorney
Southern District of New York*

July 14, 2020

FILED BY ECF

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Ali Sadr Hashemi Nejad*, 18 Cr. 224 (AJN)

Dear Judge Nathan:

The Government writes in response to the Court's July 8, 2020 order. The Government confirms, as stated in the defendant's July 13, 2020 letter (Dkt. 360 at 1, 3), that it does not object to the Court relying on Federal Rule of Criminal Procedure 33 as the procedural basis for vacatur of the jury's verdict. As discussed in the Government's prior submissions, the Government does not concede any of the specific arguments advanced by the defendant in support of its Rule 33 motion and does not believe any of the attorneys assigned to this case acted in bad faith or intentionally withheld exculpatory information. *See* Dkt. 354, 356. However, the Government consents to the Court granting the defendant's Rule 33 motion to vacate the verdict prior to or in connection with the issuance of the *nolle* order. The Government agrees with the defense that the Court need not determine bad faith or hold an evidentiary hearing to vacate the verdict under Rule 33 or grant dismissal under Rule 48(a). *See* Dkt. 360 at 5-6.

Respectfully submitted,

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cc: Defense Counsel (by ECF)